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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO:848 of 2006

DATED:21-08-2006

Between:

Andhra Bank Schedule Tribe Employees Welfare Association Reg.No.2571/89, rep.by its General Secretary B.Prasad Naik and another

..... APPELLANTS

AND

The Andhra Bank, rep.by its General Manager (Personnel) Staff Department, Head Office, Saifabad, Hyderabad

.....RESPONDENTS

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JUDGMENT: (per Honourable Sri Justice Ramesh Ranganathan)

This appeal is preferred against the interlocutory order, in W.P.M.P.No.4793 of 2006 dated 03-04-2006, whereby the interim order granted earlier was vacated and the respondent-bank directed to declare the results. The learned Single Judge however made it clear that the selection of those, made by giving the benefit of

relaxation of service by one year, shall be subject to the result of the writ petition.

Sri M.Surender Rao, learned counsel for the appellant-writ petitioners, would question the relaxation granted to these candidates. Learned counsel would submit that the bank was not entitled to include candidates within the zone of consideration on the basis of the applications received nor was it entitled to reckon the total number of superceded officers, by including those who had earlier appeared for selection but were not selected. According to the learned counsel, the total number of superceded officers would include only those against whom a charge sheet had been issued and against whom disciplinary proceedings had been initiated. Learned counsel would submit that the power of relaxation could only be exercised in exceptional circumstances and that too only on reasons being assigned. Learned counsel would submit that the respondent-bank has neither furnished details of the total number of officers superceded nor has it given details, in the counter-affidavit, of the reasons which weighed with the bank in granting relaxation in qualifying service. Learned counsel would urge this Court to set aside the order of the learned Single Judge vacating the interim order passed earlier.

Sri Nuty Ram Mohan Rao, learned Standing Counsel for the respondent-bank, on the other hand, would submit that on the order

under challenge dated 03-04-2006 being passed, the bank had promoted 73 officers, and that all of them have already assumed charge. Learned counsel would submit that the bank, while effecting promotions, had made it clear that the promotions of these candidates shall be subject to the result of the writ petition.

The contentions raised by Mr.M.Surender Rao have necessary to be gone into in the writ petition and since, pursuant to the order impugned in this appeal, the bank has already effected promotions and the promoted candidates have already taken charge, we do not propose to interfere with the selections made pending disposal of the writ petition.

We consider it appropriate that the writ petition itself be heard early in view of the fact that the appellants' association represents the interest of candidates, who belong to Scheduled Tribes, and who contend that they have been deprived of promotion in view of the arbitrary policy adopted by the bank. The writ petitions shall be listed for final hearing on 16-10-2006 subject to part-heard.

The writ appeal is accordingly disposed of. However, in the circumstances, without costs.

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B.PRAKASH RAO, J

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RAMESH RANGANATHAN, J

21st August, 2006

SKM